

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

NAZEER SMITH,)
)
Plaintiff,)
)
v.) Case No. 3:15-cv-1138-NJR-DGW
)
C/O GROVES and C/O BOWERMAN,)
)
Defendants.)

ORDER

WILKERSON, Magistrate Judge:

Now pending before the Court are the Motion for Sanctions and the Motion to be Re-Deposited filed by Plaintiff on March 1, 2017 (Docs. 39 and 40). Both motions are **DENIED**.

In these two motions, which are practically identical, Plaintiff states that “he was never issued a notice of deposition” and that “he was not allowed ample time to organize and prepare for said video conference deposition.” These statements are inconsistent with the evidence and appear to be patently false. Defendants served Plaintiff with notice of his January 30, 2017 deposition on January 4, 2016 (Doc. 44-1). During his deposition, Plaintiff brought with him papers related to this case and “notes that will help” him during the deposition (Doc. 44-2. pp. 3-4). Plaintiff therefore was able to prepare for the deposition, something that he could not have done had he not received notice. Plaintiff tacitly acknowledged that he received notice of the deposition when he indicated that he did not review documents after receiving notice of the deposition (*Id.* 5). From the few pages of deposition transcript that have been provided by Defendants, there does not appear to have been anything untoward or irregular about either the notice given to Plaintiff or the conduct of the deposition.

Plaintiff is reminded that Federal Rule of Civil Procedure 11 requires his representations to

the Court to have some evidentiary support. The Rule also requires that by filing his motions he is certifying that they are not made with the purpose of harassing or causing unnecessary delay or expense. While Plaintiff is proceeding *pro se*, he is not excused from following the Rules. To the extent that Plaintiff presents any other papers to the Court that do not comply with Rule 11 or are otherwise lacking in support, he is **WARNED** that he could be sanctioned with, among other things, dismissal of this suit.

DATED: March 23, 2017



The image shows a handwritten signature "Donald G. Wilkerson" in blue ink, positioned above the official circular seal of the United States District Court for the Southern District of Illinois. The seal features an eagle with wings spread, perched atop a shield with vertical stripes, surrounded by a laurel wreath. The words "UNITED STATES DISTRICT COURT" are at the top and "SOUTHERN DISTRICT OF ILLINOIS" are at the bottom, all within the circular border.

DONALD G. WILKERSON
United States Magistrate Judge